

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. The Applicant thanks the Examiner for carefully reviewing this application. In view of the following remarks, the Applicant believes the claims to be in condition for allowance.

I. Disposition of Claims

Claims 29-48 are pending in this application. Claims 29 and 40 are independent claims. The remaining claims depend, directly or indirectly, from claims 29 or 40.

II. Claim Rejections under 35 U.S.C. §103

Claims 29-48 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,851,149 ("Xidos") in view of U.S. Patent No. 6,336,095 ("Rosen"). This rejection is respectfully traversed.

The claimed invention relates to an interactive gaming and audiovisual transmission system, which includes a central gaming computer. In one or more embodiments, the central gaming computer includes a gaming system server, which is adapted to process gaming data, *e.g.*, generate odds, calculate winnings, *etc.*, in relation to a broadcast event. A broadcast event may include a horse race (or televised sports), casino-type game, computer generated game, or pre-recorded event, *etc.* In other words, the broadcast event is a third party event.

The claimed invention further includes a receiver/decoder, which receives broadcast audiovisual data and gaming data relating to the broadcast. The receiver/decoder further includes a subscription card reading device, a bank card reading device, and a modem device. The subscription card reading device is arranged to interact with a user's subscription card,

which provides access to the broadcast event, whereas the bank card reading device is arranged to read data stored on a user's bank card. The modem device communicates the data read from the user's bank card to a communication server connected to a bank server holding a bank account of the user. The modem device also transfers data credit to a gaming account at the central gaming computer means to permit gaming in relation to the broadcast in response to the data from the user's bank account.

In one or more embodiments, with respect to a broadcast event on an audiovisual system, the central gaming computer calculates winnings or losses, which increases or decreases the user's gaming account.

Advantageously, the present invention provides a dual card system, which provides access to a broadcast event at the user's discretion without requiring participation in the betting associated with the broadcast event. Moreover, the present invention allows a gaming account to be open simply and quickly, thereby avoiding more elaborate payment methods of known systems.

In contrast, Xidos teaches a distributed gaming system for use in a hotel. Xidos states, "[t]he distributed gaming system 10 in accordance with the invention provides a user, such as a hotel guest," (col. 4, ll. 17 and 18). Xidos teaches use of a set-top-box which are typically located in hotel rooms. Xidos states, "the set-top-box 12 [is] in communication with a television 14, payment device 16 and back office server 18 centrally located in a hotel office 19," (col. 4, ll. 28-30). The box office server communicates with both the network operations centre and payment processing centre, (col. 4, ll. 31 and 32). To engage with the distributed gaming system, the user "turns on the television 14 and tunes the set to the channel identified as the gaming channel," (col. 5, ll. 4-8).

The gaming system taught by Xidos relates to card games, *e.g.*, draw poker, 8-liner, keno, or black jack (col. 5, ll. 44-46). These card games are referred to as “game sessions” and may be considered first party events, *i.e.*, the user interacts “first-hand” with the gaming system. For example, Xidos states:

Within the game play, the player [the user] defines a bet amount. The player will interact with the game through remote control unit 20. Game session credits are used for game play; credits earned or resulting from game activity are known as credits won. When a player starts game play, the bet amount reduces the Session Credits. At the end of a Game, the credits won (if any) are added to the Session Credits. This process recorded the game activity for individual game hands and includes beginning Session Credits, credits played, credits won/lost, and resulting Session Credits (col. 13, ll. 10-20).

In other words, the user participates in the game session and, therefore, communication and transference of data is in relation to game activity generated by the user.

With respect to claim 29, Xidos does not disclose or suggest “a central gaming computer means for processing gaming data; and a receiver/decoder for receiving broadcast audiovisual data relating to a broadcast event, and for receiving from the central gaming computer means gaming data relating to the broadcast event; the receiver/decoder including: a subscription card reading device for interacting with a user’s subscription card for providing user access to a broadcast event; a bank card reading device for interacting with a user’s bank card to read data stored thereon; and a modem device for communicating data read from the user’s bank card to a communication server connected to a bank server holding the user’s bank account for transferring in response to said data credit from the user’s bank account to a gaming account at

the central gaming computer means in order to permit gaming in relation to the broadcast event,” as recited in claim 1.

Similarly, with respect to claim 40, Xidos does not disclose or suggest, “receiving broadcast audiovisual data relating to a broadcast event, and from a central gaming computer means gaming data relating to the broadcast event; interacting with a user’s subscription card for providing user access to a broadcast event; interacting with a user’s bank card to read data stored thereon; and communicating data read from the user’s bank card to a communications server connected to a bank server holding the user’s bank account for transferring in response to said data credit from the user’s bank account to a gaming account at the central gaming computer means in order to permit gaming in relation to the broadcast event,” as recited in claim 40.

Particularly, Xidos does not teach gaming in relation to a broadcast event nor use of a subscription card. Further, Rosen fails to provide that which Xidos lacks. Regarding gaming in relation to a broadcast event, Xidos is completely silent to this feature. First, Xidos specifically teaches toward card games, such as, draw poker, 8-liner, keno, or blackjack (col. 5, ll. 44-46), whereas the present invention relates to a broadcast event, *e.g.*, horse racing, casino-type game, computer-generated game, pre-recorded event, *etc.* Secondly, the distributed gaming system as taught by Xidos requires user interaction (first party participation) to play *in the game* (*e.g.*, playing a card) according to the user’s discretion. In contrast, the present invention generally relates to third party participation in which the user participates *in relation to* a broadcast event, *e.g.*, viewing and betting on the outcome of a broadcast event, but the user has no substantial participation which can effect an outcome of the broadcast event.

With respect to a subscription card, Xidos is also completely silent to this feature, because the distributed gaming system as taught by Xidos does not use subscription cards. That is, the set-top-box used in a hotel room as taught by Xidos do not use subscription cards. In fact, in a hotel, generally descrambling of the broadcast audiovisual program is not performed within the hotel room but at a level of the hotel, namely, back office server centrally located in the hotel office (col. 4, l. 30). Further, Xidos expressly teaches that initiation of a game session does not require a subscription card, rather “by pressing any channel button, the customer [the user] can move to and from the gaming channel...[a]t any time, the player can proceed to actual Game Play, by pressing the Game Mode button until Game Play mode is established,” (col. 5, ll. 6, 7, and 26-28). Therefore, there is no subscription or authorization process outside of the user “swiping” their credit card, *i.e.*, if the user does not swipe their credit card, the user may only view promotional or tutorial information. As previously mentioned, the subscription card of the claimed invention (which contains decryption keys) advantageously allows the user to view a broadcast event without necessarily using a bank card to bet on the broadcast event

Furthermore, Rosen fails to provide that which Xidos lacks. In particular, Rosen relates to a system for open electronic commerce. Rosen is completely silent with respect to gaming in relation to a broadcast event and/or a subscription card as recited by claims 29 and 40.

Because Rosen fails to disclose or suggest that which Xidos lacks, claims 29 and 40 are patentable over Xidos and Rosen, whether considered separately or in combination. Claims 30-39 and 41-48 depend, either directly or indirectly, from claims 29 and 40, and, thus, these claims are likewise patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

III. Concluding Remarks

Applicant believes this reply to be fully responsive to all the points raised in the Office Action dated December 18, 2002. If this belief is incorrect, or other issues arise please do not hesitate to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 11345.025001).

Respectfully submitted,

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